G. R. S. 58]

*Previous references.*

CS 114-09-1
- 110-12, 1, 11-12
- do - nil -
J. 12 of 02-03.

*Later references.*

1914. 15

( Courts )

File No. 155-14

Serial Nos. 1-2.

Previous
Ptn 25/8/26

# GENERAL AND REVENUE SECRETARIAT.

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*Serial Nos.* 1-2

**Part B for** Feb 15

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SUBJECT.

Increment to Mr B. Nagappah Sub. Judge

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1. From the Regr Chf Cts 2253 of 148 / 20/11/14
   Forwards the application recd from Mr B. Nagappah re the above
2. To the same Officer.
   J 2776 of 17.2.15
   States that the Compln reports that he has already been authorized to draw the increment & that Govt orders are not necessary for allowing it.

GPB—3,500—21-7-14

M. Ghouse
12.3.15

G.R.S. 111 1914-15

1659

GENERAL AND REVENUE SECRETARIAT.

( Cons 5 )

NOTES.

File No. 155 of 1914

FILE HEADING.

Increment to Mr B. Rajappa, Subordinate Judge.

From

The Registrar, Chief Court

No. 2255/148 Dated 18/20.11.1914 Received 21.11.1914

| Diary No. J1659 | Enclos. 1 | Spare Copies. | Serial No. 1 |
|---|---|---|---|

BRIEF ABSTRACT OF LETTER.

Forwards for favourable consideration an application from Mr Rajappa requesting the grant of increment due thereon from the 6th Jan 1913 and states that in the opinion of the Judge it is not very desirable that officers should have to apply for their increments when they are due and suggests that it might be better if the Comptroller's office were made responsible for obtaining the orders of Govt in due time in each case.

NOTES AND ORDERS.

W

G. 35-28-15
G.M. 232-12-1

07.6.1.13

X

When the Civil Service Rules were revised in Jan[y] 1913, Subordinate Judges were formed into a separate cadre and Mr Rajappa was appointed as a Sub-Judge for a pay of Rs 500/- with effect from the 6th Jan[y] 1913.

NOTES—First Sheet.

GPB—30,000—12-8-11

1659

G. R. S. 12]

General and Revenue Secretariat. | CS File No. 153 of 1914-15

Serial No.

U

CS 110-12-2

3) Subsequently in April 1914 he was confirmed as Sub Judge with effect from the 10th Nov 1912 after the expiry of three years' probationary service.

3) Mr Nagappa now prays that he may be granted the increment of Rs 50/-, due to him under para XIV, 3 (a) of the New Civil Service Rules, with effect from the 16th Nov 1911.

3 Encl 6 Sl 1

4) Regarding the suggestion made by the Chief Court that the Comptroller's Office may in each case where an increment is due to a Gazetted Officer make responsible for obtaining the orders of Govt in due time, may the Compt be usefully connected in a separate file?

Sub° to orders.

Kg. 1/12/1914

1/12/14

Paper under disposal

Sec'y

5) In the case of Lower Subordinate Services increments are given automatically? Is there a different practice in the case of increments of Judicial officers? If so, what is the authority?

NOTE—Contn. sheet.

4/12/14

GPB—25,000—2-11-14

4/12/14

General and Revenue Secretariat. | C5 File No. 155 of 1914-15

Serial No.

6) This is the fist case in which the question of the grant of an increment to a Sub Judge has come up after the Sub Judges were formed into a Separate Cadre by the Civil Service Rules of 6th Jan. 1913. Hence there are no precedents to shew the practice in the case of increments to these offices.

7) As in the case of Senior Asst Com^rs, increments to Sub Judges may perhaps be given automatically (It is not laid down as in the case of Munsifs that) the service rendered by these offices during the period for which the increment is due should be declared approved. Besides, promotion to Munsifs and Asst Com^rs involves a change in their class whereas the grant of an increment to a Sub Judge does not bring about any such change in his grade.

W
First sheet

1669-70
C5-158-12-1
7 6.1.13.

8) Sub^d with regd to paras 5.

KG. 116

5/12/1914 KG 5/12/14

9) ~~See~~ The suggestion of the chief Court may be accepted. In the case of Senior Asst Com^rs increments are allowed when they are due. The wording of the order in the case of the

NOTE—Contn. sheet.

GPB—10,000—13-6-14

J1659

(4)

R. S. 12]

General and Revenue Secretariat. | File No. 155 of 1914.

Serial No.

Subjudges is practically the same as that relating to the Sessions Judges and so may bear the same interpretation. Further, the first member has noted when he was Secretary in G.O. 12/02-03 in connection with a similar case that "it is not usual to get an order of Govt. to allow increments in such cases."

10) If approved, the Comptroller will be consulted in the matter.

Es
17/12/14

Peon with ch 10-12 - detached at 1 p.m. stage 26.12.14.

Secretary

11) The Comptroller may be consulted unofficially.

Draw
24/12

12) Forwarded unofficially to the Comptroller for favour of opinion.

B.O.

Es unofficially.

26-12-14. Dr. Secretary.

Note 106 G.I.S.—1-15

R.O. No J. 36-14 dated 26th December 1914.

COMPTROLLER'S OFFICE, CIVIL BRANCH, 23 DEC 1914, BANGALORE, MYSORE

13) Mr. Nagappa earned his first increment in the grade of 500---50/2---600 on 6th January 1915, having been appointed to this rate of progressive pay from 6th January 1913. This increment has been authorized to be drawn by him in the usual course. Orders of Government are not necessary for allowing each increment attached to a place on progressive pay. Such an

R 94
29-12-14

16/11

NOTE—Contn. sheet.

GPB—25,000—2-11-14

General and Revenue Secretariat. | C5 File No. 155 of 1914-15

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an increment is authorized automatically by the Audit office before the close of the month in which it falls due, if no order for withholding it is received.

Mar Narasimha Rao
Offg Accountant

13/1

Subd.

(14) From the above note it is clear that increment attaches to a place on progressive salary is passed by the audit office automatically in the absence of orders to the contrary. The Chief Court may be informed accordingly.

(15) The other recommendation of the Chief Court that M. Rayappa may be allowed the increment due to him with effect from 10.11.1914 needs consideration. M. Rayappa was appointed as an Asst Com. of the 1st Class under the old Civil Service Rules of June 1907 and posted to the post as a Sub Judge. He continued to be an Asst Com. till the rules were revised on 6.1.1913 with effect from which date he was appointed as a Sub Judge on Rs 500/-. He was however confirmed as Sub Judge with effect from 10.11.1912. It is therefore a matter for consideration whether the period from 10.11.1912 to 6.1.1913 can count for increment. During this period, however, the separate cadre of Sub Judges did

Paper under disposal

C5-114-09-1 Rs 68139 07 27.6.07 Dept 9 Pr. 12.00 68

W 17 sheets.

X -

U C5-110-12-2

NOTE—Contn. sheet.

Serial No.

not exist. under the Civil Service Rules, an Asst Commr who has put in two years of service in the 1st class was eligible for promotion to the grade of Senior Asst Commr (500-50/1-600) provided he was eligible and vacancy existed. The Comptroller has admitted increment to Mr Nagappa with effect from 6.1.1913 from which date he was appointed to the new cadre of Sub Judges

K.G. 116

19-1-1915.

16) The only point for consideration is whether Mr Nagappa should be given his increment from the 10th november 1914 as requested by him or from the 6th of January 1915, as stated by the comptroller

17) Mr Nagappa was confirmed as Subjudge from 10.11.1912, and he claims his increment after two years from that date. The new Civil Service Rules came into force only from 6.1.1913; when the Subordinate Judges were put in a separate cadre, and the comptroller naturally thinks that that date is the starting period for the new increment. But it seems to me that the Service from 10.11.1912 should also count for increment and should could not be ignored.

18) The comptroller has apparently not noticed overlooked this point as the order of confirmation was not communicated to him.

19) This a point for orders whether the increment should be allowed from 10.11.1912

1659

7

G. R. S. 12]

General and Revenue Secretariat. | C/5 File No. 155 of 1914-15

Serial No.

or 6.1.13.

Fl Mis 1120 of 14-15. Do Branch II for favour of note.

& 20/1/15

Subd

20) Under Art 2 of the M & R Mr. Nagappa's pay from 10.11.1912 to 6.1.1913 should be regulated by the rules in force at that time. As the new Civil Service Rules were not in force at the time he cannot claim the benefit of those Rules. The effect of giving the increment to Mr. Nagappa from 10.1.1912 will be giving retrospective effect to the new Civil Service Rules in a particular case, which has not been Hon. 21 specially sanctioned by Govt.

22/1/15

The reference from the Chief Comm. & other Offices do not specifically raise the point whether the increment should be sanctioned from 6.1.13 or 10.11.12. They refer rather to the promotion being intimated by the Govt. as there are specific orders of Govt. which the Comptr says he has already done.

Mr Nagappa ~~can get~~

2) ~~Mr Nagappa from 10.11.12 to 6.1.13~~ I submit

NOTE—Contn. sheet.

GPB—25,000—2-11-14

1659

(8)

G. R. S. 12]

General and Revenue Secretariat. | CS File No. 155 of 1914-15

Serial No.

Therefore appears enough if the Chief Court is informed that the Govt states that the officer has been already authorised by the Govt to draw the increment from 6.1.13 the date on which it fell due.

CS 23/1

Bor (U)

28/1.

Sub.

Leg. 116 22 The Suggestion of the Financial Branch
23/1/15 may not solve the question completely.
A draft may be put up, however, in accordance
with the views of Bor II

CS 23/1

CS 28/1/15

Sub with a draft.

Leg. 116
11/2/1915 - KK

Submitted for approval.

CS 11/2/15

First Member)

Draft added and approved by First Member.
14. 2. 15

Govt 11/2

Bd 27/2

Govt

23 issue today

CS 17.2

NOTE—Contn. sheet.

GPB—25,000—2-11-14

(9

G. R. S. 12]

General and Revenue Secretariat.

File No. 165 of 1914.

| Serial No. | |
|---|---|
| 2 | To the Registrar, Chief Court.<br>No. 2776-9 17-2-15.<br>States that the Comptroller reports that Mr. Nagappa has already been authorized to draw the increment from 6-1-15 the date on which it fell due; that Govt. orders are not necessary for allowing increment, & that such increment is authorized by the audit office in usual course and that Mr. Nagappa's claim for increment from 10-9-14 is inadmissible. |

NOTE—Contn. sheet.

GPB—95,000—2-11-14

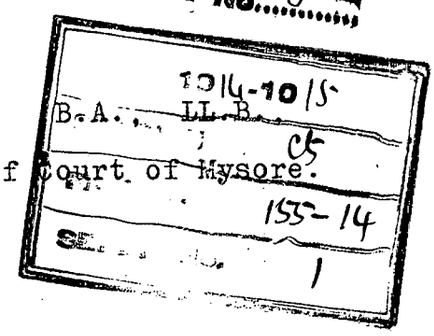
No: 2255/148 Genl

BANGALORE.

Dated 18th November 1914.

20

DIARY No. J. 1659




From

N.T. GOPALIENGAR, Esquire, B.A., LL.B.,
Registrar of the Chief Court of Mysore.

To

D.M. NARASINGA RAO, Esquire, B.A., B.L.,
Offg: Secretary to the Government of Mysore,
General and Revenue Departments.

S i r,

I am directed to forward herewith, for the favourable consideration of the Government an application received from Mr. B.Nagappa, Subordinate Judge of Shimoga, requesting that the Government may be pleased to sanction the increment of pay for which he is eligible under the rules, from the 10th of November 1914. I am to state that, in the opinion of the Judges, it is not very desirable that officers should have to apply for their increments when they are due, and to suggest that it might be better if the Comptroller's Office were made responsible for obtaining in each case the orders of the Government in due time.

I have the honour to be,
Sir,
Your most obedient servant,

N T Gopalienga

REGISTRAR.

(2)

Encl 25

CS-155-14-1

Office of the Subordinate Judge, Shimoga.

Dated, Shimoga, the 11th November 1914.

From

B. NAGAPPA, ESQ., Bar.-at-Law,

Subordinate Judge,

Shimoga.

To

D. M. NARASINGA RAU, ESQ., B.A., B.L.,

Secretary to the Government of

His Highness the Maharaja of Mysore,

General & Revenue Departments,

Bangalore.

SIR,

I have the honor to submit the following in re increment of Rs.50 in accordance with the scale.

I was appointed an Assistant Commissioner of the first class on probation for three years on 7th November 1909, and posted to the Judicial Department for duty as Subordinate Judge of Bangalore. (Vide Notification No. G. dated 7-11-1909). In Government Order No. J.2731-2/Cts.167-12-2 dated 14-3-1913, I was removed from the list of Assistant Commissioners and appointed as one of the Subordinate Judges Sub pro tem, with the pay of Rs.500/- with effect from 6th January 1913, under the revised rules relating to the Mysore Civil Service passed by Government (Vide Govt.Order No.G.3528-75/ G.M.252-12-1 dated the 6th January 1913.)

I submit that my relative rank was not finally settled at this time, for the Government had not then passed final orders in regard to my confirmation.

(3)

Government were pleased to pass final orders re my confirmation on 27-4-1914. They have confirmed me as Subordinate Judge with effect from 10th November 1912.

Thus, in accordance with the rules laid down in Govt. Progs. No. 9326-G.F.43-92 dated 12th December 1893, my rank as Subordinate Judge with effect from 10-11-1912 was finally settled when I was appointed to the regular grade after my probation period was over under the revised rules of the 6th January 1913 relating to Mysore Civil Service.

I have been doing duty as Subordinate Judge for the last 5 years. After I was appointed as a Subordinate Judge, the Sub Court, Bangalore, was for the first time invested in December 1909 with the powers of an Assistant Sessions Judge over the 3 Districts comprising Bangalore Division. There was no District Court in Bangalore then. I was exercising unlimited jurisdiction over civil causes in addition to the powers of an Assistant Sessions Judge over the Bangalore Division, from 10th November 1909 to 21st August 1911, and thus practically performed both the duties of a District Judge as well as those of a Subordinate Judge. During the above period, a great many Sessions cases were disposed of in addition to the disposal of more contested civil suits than my predecessors, as testified to by Mr. Justice E.H. Wallace in the Inspection Notes.

In recommending my confirmation, Sir Stanley Ismay, K.C.S.I. the then Chief Judge, was pleased to state that I had evolved order out of absolute chaos in the office, that I had done good work and that I deserved confirmation. (Vide Memo dated 11-3-1911 sent to Government).

I worked in the Summer Holidays in the years 1910 and 1911 without claiming any privilege leave. I was transferred to Shimoga in February 1913 to do malnad service. Since taking charge of the Sub Court, Shimoga, I beg to submit that I have

(4

disposed of some old and contested civil cases, appeals and heavy sessions. ~~I beg also to state that I have worked without taking any leave for the last 5 years.~~ (Vide Inspection Notes by the Chief Judge as well as the District Judge, Feb.1914).

I humbly beg to submit that being fully conscious of the exceptional condescension shown in the act of treating my appointment as a special one by the Government of His Highness the Maharaja, I have ever endeavoured under all ~~the urging~~ trying circumstances to discharge the onerous duties entrusted to me conscientiously and to the best of my ability; that I have every reason to sincerely hope and trust that I have given every satisfaction in the discharge of my duties; and that the Government were pleased to confirm me as Subordinate Judge with effect from 10-11-1912 with a view to safeguard my future prospects for promotion as outlined in their letter of offer of the 10th October 1909. Inasmuch as I sincerely believe that I have put in approved service during this period, I am entitled to the increment of Rs.50 from 10th November 1914, under the rules.

I therefore pray that an order may be passed entitling me to claim the increment from 10th November 1914.

I have the honor to be,

Sir,

Your most obedient servant,

D. K. Nagappa.

SUBORDINATE JUDGE,
Shimoga.

2½

Regarding increment due to Mr Nagappa, Sub Judge. (5

G. R. S. 26] 17/2

Cl. File No. 155-14

Serial No. 2

*Diary No. of letter replied to* 1659

No. J 2776

General and Revenue Secretariat

( ) .

, *the* 191 .

To The Registrar,

Chief Court

Date of issue 17. 2. 1915

Signed by Mr. G. Srinivasaiya

Sir,

Adverting to your letter no. 2255/148 dated the 18th Nov. 1914 forwarding an application from Mr B. Nagappa, Subordinate Judge of Shimoga, for the grant of the increment due to him under the rules, I am directed to inform you that the Comptroller reports that Mr Nagappa has already

P.T. over.

SUBJECT.

6)

been authorized by him to draw the increment from the 6th Jan. 1913, the date on which it fell due.

With regard to the suggestion of the Judge of the Chief Court referred to in your letter under reply, I am to state that Orders of Govt are not necessary for allowing increment attaches to a place on progressive salary and that such increment is authorized ~~automatically~~ by the Audit Office before the close of the month in which it falls due provided that no order for withholding it has been passed in the meanwhile. ~~It is observed~~

++

I have &c

Sd. 11/2/15
For Offg: Secy to Govt

Mr. Nagappa's claim to be given the increment from 10 Nov. 1914 is clearly inadmissible as the new grade was brought into force from 6 Jan. 1913, and so his application d. 11 Nov. 1914 was premature.

List of enclosures

13/2/15

Copied by

Examined by

Reg. 116
11-2-1915-JM

GPB—25,000—4-3-13